

REMARKS

Only claim 1 is in the application and under prosecution. Claims 2 and 3 have been canceled because their limitations are now incorporated into claim 1.

Applicant acknowledges the withdrawal of claims 4-6 as being unelected in a restriction requirement by telephone with the Examiner on August 5, 2004.

Claim 3 has been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant requests that this rejection be withdrawn since claim 3 has been canceled.

Claims 1 and 3 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Rouquie. It is the Examiner's position that Rouquie teaches a system for hot-dip galvanizing metal components comprising: (a) a lifting device detachably attached to a lifting bow by an attaching means, (b) a lifting bow detachably attached to the lifting device having a first face, a second face, a top section, a bottom section, and two side sections. The Examiner also maintains that the bottom section of the Rouquie apparatus is substantially broader than the top section, and wherein the top section contains a cutout for receiving the attaching means of the lifting device. The Examiner continues by saying that the bottom section has a plurality of means for hanging metal components to be galvanized, and a tank containing molten metal galvanizing composition of sufficient size to receive a sufficient amount of galvanizing composition to submerge at least a portion of the bottom section of the lifting bow into the molten galvanizing composition.

The Examiner acknowledges that Rouquie fails to teach that the lifting bow is comprised of plate metal of at least 0.25 inches thick. It is the Examiner's position that it would have been obvious to one having ordinary skill in the art at the time the instant invention was made to construct the Rouquie lifting device from metal of at least 0.25 inches thick. The Examiner also acknowledges that

Rouquie fails to teach that the means for hanging a metal component is a permanent attachment, but that it would have been obvious to have done so.

It is applicant's position that the instant claims, especially as now amended, define a patentable invention over Rouquie. Rouquie teaches an apparatus used for hot galvanizing that facilitates the draining of parts that emerge from the hot galvanizing bath. Rouquie does this by use of one or more exciters that create vibrations to remove surplus zinc from galvanized metal components. There is no suggestion in Rouquie to use means for hanging that are a permanent part of a lifting bow and that they be cutouts or enclosed metal hangers with openings, as now instantly claimed.

The Examiner argues that it would have been obvious to one having ordinary skill in the art at the time the instant invention was made to have the hanging means permanently attached or have an integral part of the lifting bow because the Examiner states that it has been held that forming in one piece an article which has been formed in the art as separate pieces is obvious. Applicant contends that all of the pieces are not taught in Rouquie to assemble into a single piece. For example, Rouquie does not teach nor suggest cutouts or enclosed metal hangers having an opening as a means for hanging metal components to be galvanized. Thus, all the individual pieces are not taught in the art to assemble without the teaching of the instant application. The claims, as now amended, are very specific as to what the means for hanging can be.

It is also applicant's position that the mere fact that the prior art could be modified as proposed by the Examiner is not sufficient to establish a prima facie case of obviousness. The Examiner is using hindsight while standing in applicant's disclosure to assemble the prior art in a way that is not allowed under the U.S. Patent Laws.

Therefore, in view of the above, applicant requests that this rejection be withdrawn.

Claim 2 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Rouquie in view of Hines and Holman. The Examiner cites Hines and Holman as teaching a plurality of cutouts as a hanging means.

It is applicant's position that neither Hines nor Holman teach either cutouts or permanently attached enclosed metal hangers as hanging means. Hines teaches a holder for multiple string suspended tea bags that does not include the instantly claimed hanging means. Holman teaches an apparatus and workpiece fixture for electrostatic spray coating. Holman also does not include the hanging means as instantly claimed. Further, it is applicant's position that both Hines and Holman are from non-analogous arts. One having ordinary skill in the art of galvanizing heavy metal components in a bath of molten zinc would not look to an art for hanging tea bags in a pot of hot water. One having ordinary skill in the galvanizing art would also not look to an art that hangs small workpieces from a wire hanger on wire hooks for electrostatic spraying. Further, the tea bags are suspended from a string by placing the string in a "V" shaped notch, not a cutout as instantly claimed. Thus, even if Hines and Holman taught the instantly claimed hanging means there would be no motivation for one having ordinary skill in the art to combine a reference from the galvanizing art with another reference from an art that hangs tea bags in a pot of hot water with another reference that teaches hanging small items on a wire hanger device for electrostatic spraying.

Therefore, applicant respectfully requests that this rejection also be withdrawn.

In view of the above, it is applicant's position that none of the references, taken alone or in combination, suggests the present invention as now claimed. Consequently, applicant requests that the Examiner pass this application to allowance.

Respectfully submitted,

Date:

Feb 7, 2001

By

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